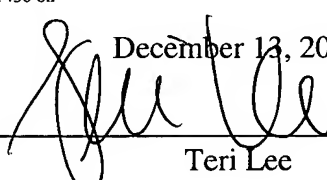




IFW

Patent Docket P5032R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ashkenazi et al. Serial No.: 10/712,892 Filed: November 12, 2003 For: <i>Compositions and Methods for the Diagnosis and Treatment of Tumor</i>	Group Art Unit: 1642 Examiner: Catherine Joyce Confirmation No.: 9438 Customer No.: 09157 CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 13, 2005  Teri Lee
--	---

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is in response to the Restriction Requirement mailed herein on November 15, 2005 setting a due date for response of December 15, 2005.

The Commissioner is authorized to charge any fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 07-0630.

In response to the outstanding requirement for election of single disclosed species, Applicants make the following elections for Claim 21.

- (1) determining the level of expression of the gene using an oligonucleotide in an RT-PCR analysis;
and
- (2) the samples being obtained from human colon tissue.

These elections are made without traverse.

Serial No.: 10/712,892

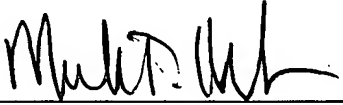
Filed: November 12, 2003

Applicants understand that upon allowance of a generic claim, the Applicants will be entitled to consideration of additional species which are written in dependent form or otherwise include all of the limitations of the allowed generic claim.

The Examiner is invited to contact the undersigned at (650) 225-4461 if any issues may be resolved in that manner.

Respectfully submitted,

GENENTECH, INC.

By: 

Mark T. Kresnak, Ph.D.

Reg. No. 42,767

Telephone: (650) 225-4461